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September 6, 2024

VIA ECF

Honorable Peggy Kuo
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: *Hernandez v. Sun Fish Inc. et al.*
Civil Action No. 1:23-cv-1246

Your Honor:

Our office represents the plaintiff, Leonel Gonzalez Hernandez, in the above-captioned matter. We write jointly with counsel for Defendants to respectfully request an extension of the deadline to complete fact discovery in this matter, which is currently set for September 13, 2024. This is the parties' second request for an extension of the fact discovery deadline.

The parties completed document discovery and scheduled the depositions of Plaintiff and defendant Kim. However, the parties were forced to postpone depositions after defendant Kim was hospitalized in July. On July 16, 2024, counsel for Defendants provided our office with a note from Mr. Kim's physician stating that Mr. Kim was unable to work until further notice, but did not address whether and when Mr. Kim may be able to sit for his deposition.

Due to the nature of Mr. Kim's medical condition, counsel for the parties believe that Mr. Kim is unable to testify at this time. However, although counsel for the parties have been in regular communication about Mr. Kim's health status since July, we have received little clarity from Mr. Kim and his family as to whether or when Mr. Kim will be able to appear for a deposition.

Mr. Kim was Plaintiff's direct supervisor and his testimony is indispensable to Plaintiff's claims and Defendants' defenses thereto. The parties therefore respectfully request that the deadline to complete fact discovery be adjourned *sine die* and that the Court schedule a virtual or telephonic status conference to discuss this matter further.¹

¹ We recognize that the Court's Individual Practice Rules require that any request for a modification of the discovery schedule be accompanied by a revised Proposed Discovery Plan/Scheduling Order; however, since the parties are

We thank the Court for its attention to and consideration of this request.

Respectfully submitted,



Adam Sackowitz

Cc: All counsel of record (via ECF)

requesting that the current discovery deadlines be adjourned *sine die*, the parties did not believe that submitting a revised Proposed Discovery Plan/Scheduling Order was warranted.